

private corporations established under Federal law', approved August 30, 1964 (Public Law 88-504; 36 U.S.C. 1101-1103)" and "a corporation in part B of subtitle II of title 36" substituted for "a private corporation established under Federal law" on authority of Pub. L. 105-225, § 5(b), Aug. 12, 1998, 112 Stat. 1499, the first section of which enacted Title 36, Patriotic and National Observances, Ceremonies, and Organizations.

#### CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

Committee on Energy and Commerce of House of Representatives treated as referring to Committee on Commerce of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2. Committee on Commerce of House of Representatives changed to Committee on Energy and Commerce of House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally transferred to Committee on Financial Services of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

#### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5502, 5510 of this title.

### § 5510. Authorization

#### (a) Authorization of appropriations

There is hereby authorized to be appropriated to the Environmental Protection Agency to carry out this chapter not to exceed \$12,000,000 for each fiscal year 1992 and 1993, not to exceed \$13,000,000 for fiscal year 1994, and not to exceed \$14,000,000 for each fiscal year 1995 and 1996.

#### (b) Limitations

Of such sums appropriated in a fiscal year, 25 percent shall be available for the activities of the Office of Environmental Education, 25 percent shall be available for the operation of the environmental education and training program, 38 percent shall be available for environmental education grants, 10 percent shall be available for support of the National Environmental Education and Training Foundation, and 2 percent shall be available to support awards pursuant to section 5507(e) of this title.

#### (c) Availability of funds to National Environmental Education and Training Foundation

Funds appropriated pursuant to this section may be made available to the National Environmental Education and Training Foundation to—

- (1) match partially or wholly the amount or value of contributions (whether in currency,

services, or property) made to the Foundation by private persons and State and local governments; and

- (2) provide administrative services under section 5509(d) of this title:

*Provided*, That the Administrator determines that such funds will be used to carry out the statutory purposes of the Foundation in a manner consistent with the goals, objectives and programs of this chapter.

(Pub. L. 101-619, § 11, Nov. 16, 1990, 104 Stat. 3339.)

### CHAPTER 66—MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

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### § 5601. Findings

The Congress finds that—

(1) for three decades, Congressman Morris K. Udall has served his country with distinction and honor;

(2) Congressman Morris K. Udall has had a lasting impact on this Nation's environment, public lands, and natural resources, and has instilled in this Nation's youth a love of the air, land, and water;

(3) Congressman Morris K. Udall has been a champion of the rights of Native Americans

and Alaska Natives and has used his leadership in the Congress to strengthen tribal self-governance; and

(4) it is a fitting tribute to the leadership, courage, and vision Congressman Morris K. Udall exemplifies to establish in his name programs to encourage the continued use, enjoyment, education, and exploration of our Nation's rich and bountiful natural resources.

(Pub. L. 102-259, § 3, Mar. 19, 1992, 106 Stat. 78.)

#### SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-156, § 1, Feb. 11, 1998, 112 Stat. 8, provided that: "This Act [enacting sections 5607a and 5607b of this title and amending sections 5602 to 5607, 5608, and 5609 of this title] may be cited as the 'Environmental Policy and Conflict Resolution Act of 1998'."

#### SHORT TITLE

Section 1 of Pub. L. 102-259 provided that: "This Act [enacting this chapter] may be cited as the 'Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992'."

#### REPEAL OF PREVIOUS LEGISLATION

Section 2 of Pub. L. 102-259 provided that: "The Morris K. Udall Scholarship and Excellence in National Environmental Policy Act, S. 1176, One Hundred Second Congress, is hereby repealed." [For details concerning purported pocket veto of S. 1176, One Hundred Second Congress, see Weekly Compilation of Presidential Documents, vol. 28 (1992), no. 12, p. 507, Mar. 19, Presidential Statement, and Cong. Rec., vol. 138, pt. 3, p. 4078.]

### § 5602. Definitions

For the purposes of this chapter—

(1) the term "Board" means the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation established under 5603(b) of this title;

(2) the term "Center" means the Udall Center for Studies in Public Policy established at the University of Arizona in 1987;

(3) the term "eligible individual" means a citizen or national of the United States or a permanent resident alien of the United States;

(4) the term "environmental dispute" means a dispute or conflict relating to the environment, public lands, or natural resources;

(5) the term "Foundation" means the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation established under section 5603(a) of this title;

(6) the term "Institute" means the United States Institute for Environmental Conflict Resolution established pursuant to section 5605(a)(1)(D) of this title;

(7) the term "institution of higher education" has the same meaning given to such term by section 1001 of this title;

(8) the term "State" means each of the several States, the District of Columbia, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federal States of Micronesia, and the Republic of Palau (until the Compact of Free Association is ratified); and

(9) the term "Trust Fund" means the Morris K. Udall Scholarship and Excellence in Na-

tional Environmental Policy Trust Fund established in section 5606 of this title.

(Pub. L. 102-259, § 4, Mar. 19, 1992, 106 Stat. 78; Pub. L. 105-156, § 2, Feb. 11, 1998, 112 Stat. 8; Pub. L. 105-244, title I, § 102(a)(6)(I), Oct. 7, 1998, 112 Stat. 1619.)

#### REFERENCES IN TEXT

For ratification of Compact of Free Association with the Republic of Palau, referred to in par. (8), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of Title 48, Territories and Insular Possessions.

#### AMENDMENTS

1998—Pars. (4), (5). Pub. L. 105-156, § 2(1), (2), added par. (4) and redesignated former par. (4) as (5). Former par. (5) redesignated (9).

Par. (6). Pub. L. 105-156, § 2(3), added par. (6). Former par. (6) redesignated (7).

Par. (7). Pub. L. 105-244, which directed the substitution of "section 1001" for "section 1141(a)" in par. (6), was executed by making the substitution in par. (7) to reflect the probable intent of Congress and the redesignation of par. (6) as (7) by Pub. L. 105-156, § 2(1). See below.

Pub. L. 105-156, § 2(1), (4), redesignated par. (6) as (7) and struck out "and" at end. Former par. (7) redesignated (8).

Par. (8). Pub. L. 105-156, § 2(1), (5), redesignated par. (7) as (8) and substituted "; and" for period at end.

Par. (9). Pub. L. 105-156, § 2(1), (6), redesignated par. (5) as (9) and substituted "'Trust Fund'" for "'fund'" and period for semicolon at end.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

### § 5603. Establishment of Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation

#### (a) Establishment

There is established as an independent entity of the executive branch of the United States Government, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

#### (b) Board of Trustees

The Foundation shall be subject to the supervision and direction of the Board of Trustees. The Board shall be comprised of thirteen trustees, eleven of whom shall be voting members of the Board, as follows:

(1) Two Trustees, shall be appointed by the President, with the advice and consent of the Senate, after considering the recommendation of the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives.

(2) Two Trustees, shall be appointed by the President, with the advice and consent of the Senate, after considering the recommendation of the President pro tempore of the Senate, in consultation with the Majority and Minority Leaders of the Senate.

(3) Five Trustees, not more than three of whom shall be of the same political party, shall be appointed by the President with the advice and consent of the Senate, who have shown leadership and interest in—

(A) the continued use, enjoyment, education, and exploration of our Nation's rich and bountiful natural resources, such as presidents of major foundations involved with the environment; or

(B) in the improvement of the health status of Native Americans and Alaska Natives and in strengthening tribal self-governance, such as tribal leaders involved in health and public policy development affecting Native American and Alaska Native communities.

(4) The Secretary of the Interior, or the Secretary's designee, who shall serve as a voting ex officio member of the Board but shall not be eligible to serve as Chairperson.

(5) The Secretary of Education, or the Secretary's designee, who shall serve as a voting ex officio member of the Board but shall not be eligible to serve as Chairperson.

(6) The President of the University of Arizona shall serve as a nonvoting, ex officio member and shall not be eligible to serve as chairperson.<sup>1</sup>

(7) The chairperson of the President's Council on Environmental Quality, who shall serve as a nonvoting, ex officio member and shall not be eligible to serve as chairperson.<sup>1</sup>

**(c) Term of office**

(1)<sup>2</sup> IN GENERAL.—The term of office of each member of the Board shall be six years, except that—

(A) in the case of the Trustees first taking offices—

(i) as designated by the President, one Trustee appointed pursuant to subsection (b)(2) of this section and two trustees appointed pursuant to subsection (b)(3) of this section shall each serve two years; and

(ii) as designated by the President, one Trustee appointed pursuant to subsection (b)(1) of this section and two Trustees appointed pursuant to subsection (b)(3) of this section shall each serve four years; and

(iii) as designated by the President, one Trustee appointed pursuant to subsection (b)(1) of this section, one Trustee appointed pursuant to subsection (b)(2) of this section, and one Trustee appointed pursuant to subsection (b)(3) of this section shall each serve six years;

(B) a Trustee appointed to fill a vacancy shall serve for the remainder of the term for which the Trustee's predecessor was appointed and shall be appointed in the same manner as the original appointment for that vacancy was made; and

(C) a Trustee may serve after the expiration of the Trustee's term until a successor has been chosen.

**(d) Travel and subsistence pay**

Trustees shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

<sup>1</sup> So in original. Probably should be capitalized.

<sup>2</sup> So in original. No par. (2) has been enacted.

**(e) Location of Foundation**

The Foundation shall be located in Tucson, Arizona.

**(f) Executive Director**

**(1) In general**

There shall be an Executive Director of the Foundation who shall be appointed by the Board. The Executive Director shall be the chief executive officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board. The Executive Director shall carry out such other functions consistent with the provisions of this chapter as the Board shall prescribe.

**(2) Compensation**

The Executive Director of the Foundation shall be compensated at the rate specified for employees in level IV of the Executive Schedule under section 5315 of title 5.

(Pub. L. 102-259, §5, Mar. 19, 1992, 106 Stat. 79; Pub. L. 104-208, div. A, title I, §101(f) [title VI, §655], Sept. 30, 1996, 110 Stat. 3009-314, 3009-369; Pub. L. 105-156, §3, Feb. 11, 1998, 112 Stat. 8.)

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-156, §3(1), substituted “thirteen” for “twelve” in introductory provisions.

Subsec. (b)(7). Pub. L. 105-156, §3(2), added par. (7).

1996—Subsec. (c)(1)(C). Pub. L. 104-208 added subpar. (C).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5602 of this title.

**§ 5604. Purpose of Foundation**

It is the purpose of the Foundation to—

(1) increase awareness of the importance of and promote the benefit and enjoyment of the Nation's natural resources;

(2) foster among the American population greater recognition and understanding of the role of the environment, public lands and resources in the development of the United States;

(3) identify critical environmental issues;

(4) establish a Program for Environmental Policy Research and Environmental Conflict Resolution and Training at the Center;

(5) develop resources to properly train professionals in the environmental and related fields;

(6) provide educational outreach regarding environmental policy;

(7) develop resources to properly train Native American and Alaska Native professionals in health care and public policy, by conducting management and leadership training of Native Americans, Alaska Natives, and others involved in tribal leadership, providing assistance and resources for policy analysis, and carrying out other appropriate activities;<sup>1</sup>

(8) establish as part of the Foundation the United States Institute for Environmental Conflict Resolution to assist the Federal Government in implementing section 4331 of title 42 by providing assessment, mediation, and

<sup>1</sup> So in original. The period probably should not appear.

other related services to resolve environmental disputes involving agencies and instrumentalities of the United States; and

(9) complement the direction established by the President in Executive Order No. 12988 (61 Fed. Reg. 4729; relating to civil justice reform).

(Pub. L. 102-259, § 6, Mar. 19, 1992, 106 Stat. 80; Pub. L. 105-156, § 4, Feb. 11, 1998, 112 Stat. 9; Pub. L. 106-568, title VIII, § 817(a), Dec. 27, 2000, 114 Stat. 2918.)

#### REFERENCES IN TEXT

Executive Order No. 12988, referred to in par. (9), is set out as a note under section 519 of Title 28, Judiciary and Judicial Procedure.

#### AMENDMENTS

2000—Par. (7). Pub. L. 106-568 inserted before semicolon at end “, by conducting management and leadership training of Native Americans, Alaska Natives, and others involved in tribal leadership, providing assistance and resources for policy analysis, and carrying out other appropriate activities.”

1998—Par. (4). Pub. L. 105-156, § 4(1), substituted “Environmental Conflict Resolution and Training” for “an Environmental Conflict Resolution”.

Pars. (8), (9). Pub. L. 105-156, § 4(2)–(4), added pars. (8) and (9).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5605, 5608, 5609 of this title.

### § 5605. Authority of Foundation

#### (a) Authority of Foundation

##### (1) In general

(A) The Foundation, in consultation with the Center, is authorized to identify and conduct such programs, activities, and services as the Foundation considers appropriate to carry out the purposes described in section 5604 of this title. The Foundation shall have the authority to award scholarships, fellowships, internships, and grants and fund the Center to carry out and manage other programs, activities and services.

(B) The Foundation may provide, directly or by contract, for the conduct of national competition for the purpose of selecting recipients of scholarships, fellowships, internships, and grants awarded under this chapter.

(C) The Foundation may award scholarships, fellowships, internships and grants to eligible individuals in accordance with the provisions of this chapter for study in fields related to the environment and Native American and Alaska Native health care and tribal public policy. Such scholarships, fellowships, internships and grants shall be awarded to eligible individuals who meet the minimum criteria established by the Foundation.

(D) INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION.—

(i) IN GENERAL.—The Foundation shall—

(I) establish the United States Institute for Environmental Conflict Resolution as part of the Foundation; and

(II) identify and conduct such programs, activities, and services as the Foundation determines appropriate to permit the

Foundation to provide assessment, mediation, training, and other related services to resolve environmental disputes.

(ii) GEOGRAPHIC PROXIMITY OF CONFLICT RESOLUTION PROVISION.—In providing assessment, mediation, training, and other related services under clause (i)(II) to resolve environmental disputes, the Foundation shall consider, to the maximum extent practicable, conflict resolution providers within the geographic proximity of the conflict.

#### (2) Scholarships

(A) Scholarships shall be awarded to outstanding undergraduate students who intend to pursue careers related to the environment and to outstanding Native American and Alaska Native undergraduate students who intend to pursue careers in health care and tribal public policy.

(B) An eligible individual awarded a scholarship under this chapter may receive payments under this chapter only during such periods as the Foundation finds that the eligible individual is maintaining satisfactory proficiency and devoting full time to study or research and is not engaging in gainful employment other than employment approved by the Foundation pursuant to regulations of the Board.

(C) The Foundation may require reports containing such information, in such form, and to be filed at such times as the Foundation determines to be necessary from any eligible individual awarded a scholarship under this chapter. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, approved by the Foundation, stating that such individual is making satisfactory progress in, and is devoting essentially full time to study or research, except as otherwise provided in this subsection.

#### (3) Fellowships

Fellowships shall be awarded to—

(A) outstanding graduate students who intend to pursue advanced degrees in fields related to the environment and to outstanding Native American and Alaska Native graduate students who intend to pursue advanced degrees in health care and tribal public policy, including law and medicine; and

(B) faculty from a variety of disciplines to bring the expertise of such faculty to the Foundation.

#### (4) Internships

Internships shall be awarded to—

(A) deserving and qualified individuals to participate in internships in Federal, State and local agencies or in offices of major environmental organizations pursuant to section 5604 of this title; and

(B) deserving and qualified Native American and Alaska Native individuals to participate in internships in Federal, State and local agencies or in offices of major public health or public policy organizations pursuant to section 5604 of this title.

#### (5) Grants

The Foundation shall award grants to the Center—

(A) to provide for an annual panel of experts to discuss contemporary environmental issues;

(B) to conduct environmental policy research;

(C) to conduct research on Native American and Alaska Native health care issues and tribal public policy issues; and

(D) for visiting policymakers to share the practical experiences of such for visiting policymakers with the Foundation.

#### **(6) Repository**

The Foundation shall provide direct or indirect assistance from the proceeds of the Trust Fund to the Center to maintain the current site of the repository for Morris K. Udall's papers and other such public papers as may be appropriate and assure such papers' availability to the public.

#### **(7) Coordination**

The Foundation shall assist in the development and implementation of a Program for Environmental Policy Research and Environmental Conflict Resolution and Training to be located at the Center.

#### **(b) Morris K. Udall Scholars**

Recipients of scholarships, fellowships, internships, and grants under this chapter shall be known as "Morris K. Udall Scholars".

#### **(c) Program priorities**

The Foundation shall determine the priority of the programs to be carried out under this chapter and the amount of funds to be allocated for such programs. However, not less than 50 percent shall be utilized for the programs set forth in section 5604(a)(2) of this title, section 5604(a)(3) of this title, and section 5604(a)(4) of this title, not more than 15 percent shall be used for salaries and other administrative purposes, and not less than 20 percent shall be appropriated to the Center for section 5604(a)(5) of this title, section 5604(a)(6) of this title, and section 5604(a)(7) of this title conditioned on a 25-percent match from other sources and further conditioned on adequate space at the Center being made available for the Executive Director and other appropriate staff of the Foundation by the Center.

(Pub. L. 102-259, § 7, Mar. 19, 1992, 106 Stat. 81; Pub. L. 105-156, §§ 5, 9(b), Feb. 11, 1998, 112 Stat. 9, 12.)

#### **AMENDMENTS**

1998—Subsec. (a)(1)(D). Pub. L. 105-156, § 5(1), added subpar. (D).

Subsec. (a)(6). Pub. L. 105-156, § 9(b), substituted "Trust Fund" for "Fund".

Subsec. (a)(7). Pub. L. 105-156, § 5(2), inserted "and Training" after "Conflict Resolution".

#### **SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 5602 of this title.

### **§ 5606. Establishment of Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund**

#### **(a) Establishment of Trust Fund**

There is established in the Treasury of the United States a trust fund to be known as the

"Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund" to be administered by a Foundation. The Trust Fund shall consist of amounts appropriated to it pursuant to section 5609(a) of this title and amounts credited to it under subsection (b) of this section.

#### **(b) Investment of Trust Fund assets**

(1)<sup>1</sup> IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest, at the direction of the Foundation Board, in full the amounts appropriated to the Trust Fund. Such investments shall be in public debt securities with maturities suitable to the needs of the Trust Fund. Investments in public debt securities shall bear interest "at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States" of comparable maturity.

(Pub. L. 102-259, § 8, Mar. 19, 1992, 106 Stat. 82; Pub. L. 105-156, § 9, Feb. 11, 1998, 112 Stat. 12.)

#### **AMENDMENTS**

1998—Subsec. (a). Pub. L. 105-156, § 9(a), substituted "The Trust Fund" for "The fund" and "5609(a)" for "5609".

Subsec. (b). Pub. L. 105-156, § 9(b), substituted "Trust Fund" for "Fund" in two places.

#### **SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 5602, 5607a of this title.

### **§ 5607. Expenditures and audit of Trust Fund**

#### **(a) In general**

The Foundation shall pay from the interest and earnings of the Trust Fund such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out the provisions of this chapter.

#### **(b) Audit by General Accounting Office**

The activities of the Foundation and the Center under this chapter may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports filed and all other papers, things, or property belonging to or in use by the Foundation and the Center, pertaining to such federally assisted activities and necessary to facilitate the audit.

(Pub. L. 102-259, § 9, Mar. 19, 1992, 106 Stat. 83; Pub. L. 105-156, § 9(b), Feb. 11, 1998, 112 Stat. 12.)

#### **AMENDMENTS**

1998—Subsec. (a). Pub. L. 105-156 substituted "Trust Fund" for "Fund".

### **§ 5607a. Environmental Dispute Resolution Fund**

#### **(a) Establishment**

There is established in the Treasury of the United States an Environmental Dispute Resolution Fund to be administered by the Founda-

<sup>1</sup> So in original. No par. (2) has been enacted.

tion. The Fund shall consist of amounts appropriated to the Fund under section 5609(b) of this title and amounts paid into the Fund under section 5607b of this title.

**(b) Expenditures**

The Foundation shall expend from the Fund such sums as the Board determines are necessary to establish and operate the Institute, including such amounts as are necessary for salaries, administration, the provision of mediation and other services, and such other expenses as the Board determines are necessary, including not to exceed \$1,000 annually for official reception and representation expenses.

**(c) Distinction from Trust Fund**

The Fund shall be maintained separately from the Trust Fund established under section 5606 of this title.

**(d) Investment of amounts**

**(1) In general**

The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

**(2) Interest-bearing obligations**

Investments may be made only in interest-bearing obligations of the United States.

**(3) Acquisition of obligations**

For the purpose of investments under paragraph (1), obligations may be acquired—

- (A) on original issue at the issue price; or
- (B) by purchase of outstanding obligations at the market price.

**(4) Sale of obligations**

Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

**(5) Credits to Fund**

The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(Pub. L. 102-259, §10, as added Pub. L. 105-156, §6(b), Feb. 11, 1998, 112 Stat. 10; amended Pub. L. 105-277, div. A, §101(h) [title V, §517(c)], Oct. 21, 1998, 112 Stat. 2681-480, 2681-512.)

**PRIOR PROVISIONS**

A prior section 10 of Pub. L. 102-259 was renumbered section 12 and is classified to section 5608 of this title.

**AMENDMENTS**

1998—Subsec. (b). Pub. L. 105-277 inserted before period at end “, including not to exceed \$1,000 annually for official reception and representation expenses”.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 5607b, 5608, 5609 of this title.

**§ 5607b. Use of Institute by Federal agency or other entity**

**(a) Authorization**

A Federal agency may use the Foundation and the Institute to provide assessment, mediation, or other related services in connection with a

dispute or conflict related to the environment, public lands, or natural resources.

**(b) Payment**

**(1) In general**

A Federal agency may enter into a contract and expend funds to obtain the services of the Institute.

**(2) Payment into Environmental Dispute Resolution Fund**

A payment from an executive agency on a contract entered into under paragraph (1) shall be paid into the Environmental Dispute Resolution Fund established under section 5607a of this title.

**(c) Notification and concurrence**

**(1) Notification**

An agency or instrumentality of the Federal Government shall notify the chairperson of the President's Council on Environmental Quality when using the Foundation or the Institute to provide the services described in subsection (a) of this section.

**(2) Notification descriptions**

In a matter involving two or more agencies or instrumentalities of the Federal Government, notification under paragraph (1) shall include a written description of—

- (A) the issues and parties involved;
- (B) prior efforts, if any, undertaken by the agency to resolve or address the issue or issues;
- (C) all Federal agencies or instrumentalities with a direct interest or involvement in the matter and a statement that all Federal agencies or instrumentalities agree to dispute resolution; and
- (D) other relevant information.

**(3) Concurrence**

**(A) In general**

In a matter that involves two or more agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality), the agencies or instrumentalities of the Federal Government shall obtain the concurrence of the chairperson of the President's Council on Environmental Quality before using the Foundation or Institute to provide the services described in subsection (a) of this section.

**(B) Indication of concurrence or nonconcurrence**

The chairperson of the President's Council on Environmental Quality shall indicate concurrence or nonconcurrence under subparagraph (A) not later than 20 days after receiving notice under paragraph (2).

**(d) Exceptions**

**(1) Legal issues and enforcement**

**(A) In general**

A dispute or conflict involving agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality) that concern purely legal issues or matters, interpre-

tation or determination of law, or enforcement of law by one agency against another agency shall not be submitted to the Foundation or Institute.

**(B) Applicability**

Subparagraph (A) does not apply to a dispute or conflict concerning—

- (i) agency implementation of a program or project;
- (ii) a matter involving two or more agencies with parallel authority requiring facilitation and coordination of the various Government agencies; or
- (iii) a nonlegal policy or decisionmaking matter that involves two or more agencies that are jointly operating a project.

**(2) Other mandated mechanisms or avenues**

A dispute or conflict involving agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality) for which Congress by law has mandated another dispute resolution mechanism or avenue to address or resolve shall not be submitted to the Foundation or Institute.

**(e) Non-Federal entities**

(1) Non-Federal entities, including state<sup>1</sup> and local governments, Native American tribal governments, nongovernmental organizations and persons, as defined in section 1 of title 1, may use the Foundation and the Institute to provide assessment, mediation, or other related services in connection with a dispute or conflict involving the Federal government<sup>1</sup> related to the environment, public lands, or natural resources.

(2) PAYMENT INTO THE ENVIRONMENTAL DISPUTE RESOLUTION FUND.—Entities utilizing services pursuant to this subsection shall reimburse the Institute for the costs of services provided. Such amounts shall be deposited into the Environmental Dispute Resolution Fund established under section 5607a of this title.

(Pub. L. 102-259, § 11, as added Pub. L. 105-156, § 7, Feb. 11, 1998, 112 Stat. 10; amended Pub. L. 105-277, div. A, § 101(h) [title V, § 517(a)], Oct. 21, 1998, 112 Stat. 2681-480, 2681-512.)

**PRIOR PROVISIONS**

A prior section 11 of Pub. L. 102-259 was renumbered section 13 and is classified to section 5609 of this title.

**AMENDMENTS**

1998—Pub. L. 105-277, § 101(h) [title V, § 517(a)(1)], inserted “or other entity” after “Federal agency” in section catchline.

Subsec. (e). Pub. L. 105-277, § 101(h) [title V, § 517(a)(2)], added subsec. (e).

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 5607a of this title.

**§ 5608. Administrative provisions**

**(a) In general**

In order to carry out the provisions of this chapter, the Foundation may—

- (1) appoint and fix the compensation of such personnel as may be necessary to carry out

the provisions of this chapter, except that in no case shall employees other than the Executive Director be compensated at a rate to exceed the maximum rate for employees in grade GS-15 of the General Schedule under section 5332 of title 5;

- (2) procure or fund the Center to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, but at rates not to exceed the rate specified at the time of such service for level IV of the Executive Schedule under section 5315 of title 5;

- (3) prescribe such regulations as the Foundation considers necessary governing the manner in which its functions shall be carried out;

- (4) accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Foundation;

- (5) accept and utilize the services of voluntary and noncompensated personnel and reimburse such personnel for travel expenses, including per diem, as authorized by section 5703 of title 5;

- (6) enter into contracts, grants, or other arrangements or modifications thereof, to carry out the provisions of this chapter, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board of Trustees, be entered into without performance or other bonds, and without regard to section 5 of title 41; and

- (7) make other necessary expenditures.

**(b) The Institute**

The authorities set forth above shall, with the exception of paragraph (4), apply to the Institute established pursuant to section 5607a of this title and to the activities of the Foundation under section 5604(7) of this title.

(Pub. L. 102-259, § 12, formerly § 10, Mar. 19, 1992, 106 Stat. 83; renumbered § 12, Pub. L. 105-156, § 6(a), Feb. 11, 1998, 112 Stat. 9; amended Pub. L. 105-277, div. A, § 101(h) [title V, § 517(b)], Oct. 21, 1998, 112 Stat. 2681-480, 2681-512; Pub. L. 106-568, title VIII, § 817(b), Dec. 27, 2000, 114 Stat. 2918.)

**AMENDMENTS**

2000—Subsec. (b). Pub. L. 106-568 inserted before period at end “and to the activities of the Foundation under section 5604(7) of this title”.

1998—Pub. L. 105-277 designated existing provisions as subsec. (a) and added subsec. (b).

**§ 5609. Authorization of appropriations**

**(a) Trust Fund**

There is authorized to be appropriated to the Trust Fund \$40,000,000 to carry out the provisions of this chapter.

**(b) Environmental Dispute Resolution Fund**

There are authorized to be appropriated to the Environmental Dispute Resolution Fund established under section 5607a of this title—

- (1) \$4,250,000 for fiscal year 1998, of which—

- (A) \$3,000,000 shall be for capitalization; and
- (B) \$1,250,000 shall be for operation costs; and

- (2) \$1,250,000 for each of the fiscal years 1999 through 2002 for operation costs.

<sup>1</sup> So in original. Probably should be capitalized.

### (c) Training of professionals in health care and public policy

There is authorized to be appropriated to carry out section 5604(7) of this title \$12,300,000 for the 5-fiscal year period beginning with the fiscal year in which this subsection is enacted.

(Pub. L. 102-259, §13, formerly §11, Mar. 19, 1992, 106 Stat. 84; renumbered §13 and amended Pub. L. 105-156, §§6(a), 8, Feb. 11, 1998, 112 Stat. 9, 12; Pub. L. 106-568, title VIII, §817(c), Dec. 27, 2000, 114 Stat. 2918.)

#### REFERENCES IN TEXT

This subsection, referred to in subsec. (c), was enacted by Pub. L. 106-568, which was approved Dec. 27, 2000.

#### AMENDMENTS

2000—Subsec. (c). Pub. L. 106-568 added subsec. (c).  
1998—Pub. L. 105-156, §8, designated existing provisions as subsec. (a), inserted heading, substituted “There is authorized to be appropriated to the Trust Fund” for “There are authorized to be appropriated to the Fund”, and added subsec. (b).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5606, 5607a of this title.

### CHAPTER 67—CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

Sec.	
5701.	Purpose.
5702.	Christopher Columbus Fellowship Foundation.
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#### § 5701. Purpose

The purpose of this chapter is to establish the Christopher Columbus Fellowship Program to encourage and support research, study, and labor designed to produce new discoveries in all fields of endeavor for the benefit of mankind.

(Pub. L. 102-281, title IV, §422, May 13, 1992, 106 Stat. 142.)

#### SHORT TITLE

Section 400 of title IV of Pub. L. 102-281 provided that: “This title [enacting this chapter and provisions set out as a note under section 5112 of Title 31, Money and Finance] may be cited as the ‘Frank Annunzio Act’.”

Section 421 of Pub. L. 102-281 provided that: “This subtitle [subtitle B (§§421-429) of title IV of Pub. L. 102-281, enacting this chapter] may be cited as the ‘Christopher Columbus Fellowship Act’.”

#### § 5702. Christopher Columbus Fellowship Foundation

##### (a) Establishment and purposes

There is established, as an independent establishment of the executive branch, the Christopher Columbus Fellowship Foundation (hereinafter in this chapter referred to as the “Foundation”).

##### (b) Membership

The Foundation shall be subject to the supervision and direction of the Board of Trustees. The Board shall be composed of 13 members as follows:

(1) 2 members appointed by the President in consultation with the President pro tempore of the Senate.

(2) 2 members appointed by the President in consultation with the Minority Leader of the Senate.

(3) 2 members appointed by the President in consultation with the Speaker of the House of Representatives.

(4) 2 members appointed by the President in consultation with the Minority Leader of the House of Representatives.

(5) 5 members appointed by the President.

##### (c) Chairman and Vice Chairman of Foundation

The President shall designate a Chairman and a Vice Chairman from among the members appointed by the President.

##### (d) Terms of office; vacancies

Each member of the Board of Trustees appointed under subsection (b) of this section shall serve for a term of 6 years from the expiration of the term of such member’s predecessor, except that—

(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member’s predecessor was appointed shall be appointed for the remainder of such term; and

(2) of the members first appointed—

(A) 4 shall be appointed for a term of 2 years;

(B) 5 shall be appointed for a term of 4 years; and

(C) 4 shall be appointed for a term of 6 years,

as designated by the President.

##### (e) Expenses; no additional compensation

Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

(Pub. L. 102-281, title IV, §423, May 13, 1992, 106 Stat. 142.)

#### § 5703. Fellowship recipients

##### (a) Award

The Foundation is authorized to award fellowships to outstanding individuals to encourage